

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Garlock Sealing Technologies LLC
Appellant,
v.
Law Offices of Peter G. Angelos PC, *et al.*,
Appellees.

Civil Action Nos. 11-1130 (LPS)
11-1131 (LPS)
11-1132 (LPS)
11-1133 (LPS)
11-1134 (LPS)
11-1135 (LPS)
11-1136 (LPS)
11-1137 (LPS)
11-1138 (LPS)

In re

ACandS, Inc.,
Armstrong World Industries, Inc.,
Combustion Engineering, Inc.,
The Flintkote Company,
Kaiser Aluminum Corp.,
Owens Corning,
US Mineral Products Company,
USG Corp., and
W.R. Grace & Co.,
Debtors.

Bankr. Case Nos. 02-12687 (JFK)
00-04471 (JFK)
03-10495 (JFK)
04-11300 (JFK)
02-10429 (JFK)
00-03837 (JFK)
01-02471 (JFK)
01-02094 (JFK)
01-01139 (JFK)

**REPLY OF APPELLANT GARLOCK SEALING TECHNOLOGIES LLC WITH
RESPECT TO (A) MOTION OF GARLOCK SEALING TECHNOLOGIES LLC TO
PROCEDURALLY CONSOLIDATE ABOVE-CAPTIONED APPEALS AND (B)
EMERGENCY MOTION OF APPELLANT GARLOCK SEALING TECHNOLOGIES
LLC (I) TO EXPEDITE BRIEFING AND HEARING ON THESE APPEALS, (II) TO
BYPASS APPELLATE MEDIATION AND (III) FOR RELATED RELIEF**

Garlock Sealing Technologies LLC (“Garlock”), the appellant in the above-captioned nine appeals (the “Appeals”), hereby files this reply to the Responses (as defined below) of various Appellees to, and in further support of, (a) the *Motion of Garlock Sealing Technologies LLC to Procedurally Consolidate the Above-Captioned Appeals* [Docket No. 9 in Case No. 11-1130, Docket No. 8 in Case Nos. 11-1131, 11-1133, 11-1134, 11-1136, and 11-1137, and Docket No. 7 in Case Nos. 11-1132, 11-1135, and 11-1138] (the “Motion to Consolidate”) and (b) the *Emergency Motion of Appellant Garlock Sealing Technologies LLC (I) to Expedite Briefing and Hearing on These Appeals, (II) to Bypass Appellate Mediation and (III) for Related Relief* [Docket No. 10 in Case No. 11-1130, Docket No. 9 in Case Nos. 11-1131, 11-1133, 11-1134, 11-1136, and 11-1137, and Docket No. 8 in Case Nos. 11-1132, 11-1135, and 11-1138] (the “Motion to Expedite,” together with the Motion to Consolidate, the “Motions”),¹ and respectfully states as follows:

BACKGROUND

1. On December 6, 2011, Garlock filed the Motions in each of the nine above-captioned appeals (the “Delaware Appeals”).

2. On December 12, 2011, the Court issued an Oral Order directing the Appellees to respond to the Motions on or before December 13, 2011, and directing that Appellant file a reply, if any, by December 14, 2011.

3. On December 12, 2011, Armstrong World Industries, Inc. (“Armstrong”) filed its *Statement of Non-Opposition in Response to Appellant’s (I) Emergency Motion to*

¹ Capitalized terms not defined herein are defined in the Motion to Expedite.

Expedite Briefing and Bypass Mediation and (II) Motion to Procedurally Consolidate Appeals [Docket No. 12 in Case No. 11-1131] (the “Response of Armstrong World Industries”).

4. On December 13, 2011, the Official Committee of Asbestos Claimants in the Flintkote Bankruptcy Cases, the Official Committee of Asbestos Claimants in the W. R. Grace Bankruptcy Cases, the Official Committee of Asbestos Claimants in the Pittsburgh Corning Bankruptcy Cases, and the Official Committee of Asbestos Claimants in the NARCO Bankruptcy Cases (together, the “ACC Appellees”) filed their *Response of ACC Appellees to (I) Emergency Motion of Appellant Garlock Sealing Technologies LLC (I) to Expedite Briefing and Hearing on These Appeals, (II) to Bypass Appellate Mediation and (III) for Related Relief and to (2) Motion of Appellant Garlock Sealing Technologies LLC to Procedurally Consolidate Above-Captioned Appeals* [Docket No. 12 in Case No. 11-1130, Docket No. 13 in Case Nos. 11-1131, Docket No. 10 in Case Nos. 11-1132, 11-1135, and 11-1138, Docket No. 11 in Case Nos. 11-1133, 11-1134, 11-1136, and 11-1137] (the “Response of ACC Appellees”).

5. On December 13, 2011, Baron & Budd PC, Brayton Purcell LLP, Hissey Kientz LLP, Law Offices of Peter G. Angelos PC, Lipman Law Firm, Reaud Morgan & Quinn Inc., Thornton & Naumes LLP, Waters & Kraus LLP, Weitz & Luxenberg PC, and Williams Kherkher Hart Boundas LLP (together, the “Certain Law Firms”) filed their *Response of Certain Appellees to Appellant’s Emergency Motion (I) to Expedite Briefing and Hearing These Appeals, (II) To Bypass Appellate Mediation* [Docket No. 13 in Case No. 11-1130, Docket No. 14 in Case No. 11-1131, Docket No. 12 in Case Nos. 11-1133, 11-1134, 11-1136, and 11-1137, and Docket No. 11 in Case Nos. 11-1132, 11-1135, and 11-1138] (the “Response of Certain Law Firms”).

6. On December 13, 2011, Kazan, McClain, Lyons, Greenwood & Harley, PLC, Water & Kraus LLP, Stanley Mandel & Iola, LLP, Simmons Browder Gianaris Angelides

& Barnerd LLC, Bergman, Draper & Forckt, PLLC, Gori Julian & Associates, P.C., Early Lucarelli Sweeney & Strauss, Conney & Conway, George & Sipes LLP, Lipsitz & Ponterio, LLC, Bifferato LLC, and Montgomery McCracken Walker & Rhoads, LLP (together, the “MMWR Appellees,” and, together with the Armstrong, ACC Appellees, and the Certain Law Firms, the “Appellees”) filed their *Consolidated Response of Certain Appellee Law Firms Represented by Montgomery, McCracken, Walker & Rhoads, LLP to (A) Emergency Motion of Appellant Garlock Sealing Technologies LLC (I) to Expedite Briefing and Hearing on These Appeals, (II) to Bypass Appellate Mediation and (III) for Related Relief; and (B) Motion of Appellant Garlock Sealing Technologies LLC to Procedurally Consolidate Above-Captioned Appeals* [Docket No. 14 in Case No. 11-1130, Docket No. 15 in Case No. 11-1131, Docket No. 13 in Case Nos. 11-1133, 11-1134, 11-1135, 11-1136, and 11-1137, and Docket No. 12 in Case Nos. 11-1132, 11-1135, and 11-1138] (the “Response of MMWR Appellees,” and together with the Response of Armstrong World Industries, the Response of ACC Appellees, and the Response of Certain Law Firms, the “Responses”).

REPLY

7. Based on its prior communications with the Appellees, and its review of the Responses, Garlock respectfully submits that it appears that none of the Appellees is opposed to (i) procedural consolidation of these cases, (ii) bypassing appellate mediation, and (iii) establishing the same briefing schedule as in the W.D. Pa. Appeals, provided, however, that the opening brief to be filed by Garlock in the Delaware Appeals is substantively the same as the brief already filed by Garlock in the W.D. Pa. Appeals, and that such brief is promptly filed.

8. Garlock confirms that the opening brief that it will file in the Delaware Appeals is substantively identical to the opening brief that it filed in the W.D. Pa. Appeals on

December 12, 2011. The only differences between the brief to be filed in the Delaware Appeals and that filed in the W.D. Pa. Appeals are non-substantive and relate to interchanging the various cross-references between the two jurisdictions.

9. Garlock intends to file its brief on the business day following the date of entry of an appropriate order with respect to the Motion to Expedite.

WHEREFORE, Garlock respectfully requests that the Court enter an order or orders: (i) granting the Motion to Consolidate and directing procedural consolidation of these Appeals for administrative purposes; (ii) excusing the parties from the Standing Order requiring appellate mediation; (iii) directing that (a) Garlock file its opening on the business day following the date of entry of the scheduling order, (b) Appellees file answering briefs on or before January 13, 2012, and (c) Garlock file its reply brief on or before January 27, 2012; and (iv) directing that all briefs shall conform to the page limit requirements of Fed. R. Bankr. P. 8010(c).

[Signature follows]

Dated: December 14, 2011

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